

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-vs-

92-CR-113-03C

FRANK J. MORROCCO, JR.,

Defendant.

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By order entered March 19, 2013 (Item 396), this matter was referred to Hon. Leslie G. Foschio, United States Magistrate Judge, to conduct a hearing on the Amended Petition for Offender Under Supervised Release, and to submit to the undersigned proposed findings of fact and recommendations, in accordance with 18 U.S.C. § 3401(i) and 28 U.S.C. § 636(b)(1)(B).

In his Report and Recommendation, filed on March 21, 2013, Judge Foschio reported that on March 20, 2013, defendant Frank J. Morrocco, Jr., appeared before the Magistrate Judge and entered a plea of guilty to Violation No. 7 of the Amended Petition (Item 388, p. 5), upon consent, and in accordance with the requirements of Rule 11 of the Federal Rules of Criminal Procedure “in that the plea was knowing and voluntary [and] supported by the requisite factual basis ....” Item 399. Judge Foschio therefore recommended that this court accept the plea. *Id.*

Upon review of the Report and Recommendation, and in the absence of any written objections thereto, the court adopts the Magistrate Judge’s proposed findings and recommendations in full, and finds defendant Frank J. Morrocco, Jr., guilty of

Violation No. 7 of the Amended Petition for Offender Under Supervised Release, to wit:  
Use of a Controlled Substance (Marijuana).

Sentencing on this violation of conditions of supervised release shall take place  
before the undersigned on Wednesday, April 24, 2013, at 2:00 p.m.

So ordered.

\s\ John T. Curtin  
JOHN T. CURTIN  
United States District Judge

Dated: 4/3/2013  
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